IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 16622 of 2004(D)

OS.348/2003 of ADDL.SUB COURT, PALAKKAD
.....

PETITIONER:

SUNNY MATHEW, S/O.P.M.MATHEW,
PULIKKAPARAMBIL HOUSE, 14/772(A) A.R.NAIR COLONY,
SELVAPALAYAM, PALAKKAD DISTRICT.

BY ADV. SRI.D.KRISHNA PRASAD
SRI.D.NARENDRANATH
SRI.M.HARISHARMA
SRI.T.P.ELDHOSE

RESPONDENTS:
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1. **C.VELAYUDHAN, S/O.CHELLAYYA,**
   SWARNA NIVAS, ITI HOUSING COLONY,
   KADAMKODE, KARINGARAPPULLY, PALAKKAD DISTRICT 59.

2. **THE GENERAL MANAGER, INDIAN TELEPHONE**
   INDUSTRIES (GOVERNMENT OF INDIA, UNDER TAKING),
   KANJIKODE WEST, PUDUSSERY VILLAGE,
   PALAKKAD 678 623.

BY ADV. SRI.N.N.SUGUNAPALAN for R2
SRI.JACOB SEBASTIAN
SMT. T.D.RAJALAKSHMI, SCGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF PETITION DTD. 30/10/2003, I.A.NO.3878/2003 IN O.S.348/03 FILED BY THE PETITIONER BEFORE THE SUB COURT, PALAKAD.**

EXT.P1(A): **COPY OF AFFIDAVIT DTD. 31/10/2003 FILED BY THE PETITIONER IN SUPPORT OF EXT.P1.**

EXT.P2: **COPY OF PETITION DTD. 26/11/2003, I.A.NO.4118/03 IN O.S.348/03 FILED BY THE PETITIONER BEFORE THE SUB COURT, PALAKKAD.**

EXT.P2(A): **COPY OF AFFIDAVIT DTD. 26/11/2003 FILED BY THE PETITIONER IN SUPPORT OF EXT.P2.**

EXT.P3: **COPY OF ORDER DTD. 17/02/04 IN I.A.NOS.3878/03 & 4118/03 IN O.S.348/03 OF THE SUB COURT, PALAKKAD.**

/TRUE COPY/

P.A.TO JUDGE

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M.N. KRISHNAN, J.

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W.P.C. NO. 16622 OF 2004

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Dated this the 27th day of November, 2007.

J U D G M E N T

This writ petition is preferred against the order of the Subordinate Judge, Palakkad in I.A.3878/03. The counsel appearing for both sides submitted that the said application was rejected on technical ground and subsequently I.A.743/05 was filed wherein an order of attachment has been issued and the matter has taken up before the lower appellate court and it is pending consideration there. In the light of the said factum no question arise for determination in this writ petition and therefore it is dismissed.

2. Regarding the claim or reimbursement, whatever it may be, parties are at liberty to approach the appropriate

Court for appropriate orders. Being a suit for money of the year 2003, the Court below shall try to dispose of the matter within a time limit of four months from today.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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